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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,679	09/29/2003	Mark J. Pettay	PAT-008A	2036
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MICHELLE A. ZARINELLI C/O WEST CORPORATION 11808 MIRACLE HILLS DR. MAIL STOP: W11-LEGAL OMAHA, NE 68154				
EXAMINER YEN, ERIC L.				
ART UNIT 2626		PAPER NUMBER		
NOTIFICATION DATE 10/17/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MAZARINELLI@WEST.COM

Office Action Summary

Application No.

10/673,679

Applicant(s)

PETTAY ET AL.

Examiner

ERIC YEN

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to the Final Office Action mailed 4/9/08, applicant has submitted an amendment and Request for Continued Examination filed 7/29/08.

Claims 1, 23, 33 and 60-63, have been amended.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 23, 33 and 60-63 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 12-16, 18, 20, 23-63, are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (US 2003/0007612), in view of Shambaugh et al. (US 6,970,821), hereafter Shambaugh.

As per claim 1, Garcia teaches, "a method for evaluating compliance of at least one agent reading at least one script to at least one client", the method comprising at least the following:

"conducting at least one voice interaction between the at least one agent and the at least one client, wherein the at least one agent follows the at least one script" (paragraphs 0012 and 0013);

"evaluating the at least one voice interaction with at least one automatic speech recognition component adapted to analyze the at least one voice interaction" (paragraph 0047); and

Garcia fails to teach determining whether the at least one agent has adequately followed the at least one script, by dividing the voice interaction into viewable panel-level segments and comparing the panel-level segments to the automatic speech recognition analyzed voice interaction.

Shambaugh teaches determining whether the at least one agent has adequately followed the at least one script ("compare the script presented to the selected agent with the recognized words... used by the agent", col. 6, lines 4-20), by dividing the voice interaction into viewable panel-level segments ("display an initial portion of the script", col. 3, lines 53-61; where a portion is put into the screen where the portion of the screen that the portion is displayed on is a "panel") and comparing the panel-level segments to the automatic speech recognition analyzed voice interaction ("compare the script presented to the selected agent with the recognized words... used by the agent", col. 6, lines 4-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Garcia to include the teaching of Shambaugh of determining whether the at least one agent has adequately followed the at least one script, by

dividing the voice interaction into viewable panel-level segments and comparing the panel-level segments to the automatic speech recognition analyzed voice interaction, in order to determine whether an agent is successful or not, as described by Shambaugh (col. 6, lines 5-7).

As per claim 2, Garcia teaches, "wherein conducting at least one voice interaction includes conducting at least one voice interaction involving a telemarketing agent" (paragraph 0049).

As per claim 3, Garcia teaches, "wherein conducting at least one voice interaction includes conducting at least one voice interaction governed by at least one script that includes text corresponding to at least one offer of at least one of goods and services" (paragraph 0049).

As per claim 4, Garcia teaches, "wherein conducting at least one voice interaction includes conducting the at least one voice interaction at least in part on at least one communications network" (paragraph 0047).

As per claim 5, Garcia teaches, "wherein conducting at least one voice interaction includes conducting the at least one voice interaction at least in part on a publicly switched telephone network (PSTN)" (paragraph 0045).

As per claim 6, Garcia teaches, "wherein conducting at least one voice interaction includes conducting the at least one voice interaction at least in part on at least one Internet" (paragraph 0029).

As per claim 7, Garcia teaches, "wherein conducting at least one voice interaction includes conducting the at least one voice interaction at least in part on at least one communications network having at least one wireless component" (paragraph 0040).

As per claim 8, Garcia teaches, "wherein conducting at least one voice interaction includes conducting at least one telephone call " (paragraph 0040).

As per claim 9, Garcia teaches, "wherein conducting at least one voice interaction includes conducting at least one telephone call that is initiated by the at least one client" (paragraph 0043).

As per claim 10, Garcia teaches, "wherein conducting at least one voice interaction includes conducting at least one telephone call that is initiated by an entity other than the at least one client" (paragraph 0046).

As per claim 12, Garcia teaches, "further comprising performing at least one action based upon at least one result of the evaluating of the at least one voice interaction" (paragraph 0047).

As per claim 13, Garcia teaches, "wherein performing at least one action includes transmitting at least one signal to the at least one agent" (paragraph 0048).

As per claim 14, Garcia teaches, "wherein performing at least one action includes transmitting at least one signal to at least one reviewing authority" (paragraph 0049).

As per claim 15, Garcia teaches, "wherein performing at least one action includes making at least one entry in at least one script compliance incentive system" (paragraph 0012).

As per claim 16, Garcia teaches, "further comprising reviewing at least one determination of whether the at least one agent has adequately followed the at least one script" (paragraph 0012).

As per claim 18, Garcia teaches, "wherein evaluating the at least one voice interaction includes evaluating a plurality of panels" (paragraph 0049).

As per claim 20, Garcia teaches "further comprising comparing data representing an actual duration of at least one interaction, wherein the at least one agent reads at least one script to the at least one client, to data representing an expected duration parameter associated with the at least one interaction" (paragraph 0054).

As per claims 23-60, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-10, 12-16, 18 and 20.

1. Claims 11, 17, 19, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (2003/0007612), in view of Shambaugh, as applied to claim 1 above, and further in view of Rtischev et al. (US 5,634,086).

As per claim 11, Garcia teaches, standard voice interaction IVR and voice recognition is used to automatically routing the call (Paragraphs 0044 and 0047). Garcia, in view of Shambaugh, do not explicitly teach, "wherein evaluating the at least one interaction includes at least the following: converting the at least one voice interaction into at least one digital signal comprising at least one spectral representation of the at least one voice interaction, comparing the at least one digital signal to at least one reference standard that includes at least one known vocabulary, and matching the at least one digital signal to at least one of words and phrases contained in the at least

one reference standard". However, Rtschev teaches, "wherein evaluating the at least one interaction includes at least the following: converting the at least one voice interaction into at least one digital signal comprising at least one spectral representation of the at least one voice interaction, comparing the at least one digital signal to at least one reference standard that includes at least one known vocabulary, and matching the at least one digital signal to at least one of words and phrases contained in the at least one reference standard" (col. 1, lines 44-54; col. 4, lines 51-58; col. 5, lines 4-27). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use a well-known voice recognizer as teaches by Rtschev in the invention of Garcia, in view of Shambaugh, because Rtschev teaches his invention provides for real-time conversation between the system and the user (col. 3, line 66 to col. 4, line 2).

As per claim 17 and 19, Garcia, in view of Shambaugh, do not explicitly teach, "script includes defining at least one score assigned by the at least one automatic speech recognition component". However, Rtschev teaches, "script includes defining at least one score assigned by the at least one automatic speech recognition component" (col. 5, lines 47-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Rtschev's teaching in the invention of Garcia, in view of Shambaugh, because Rtschev teaches his invention provides for real-time conversation between the system and the user (col. 3, line 66 to col. 4, line 2).

As per claims 21 and 22, Garcia, in view of Shambaugh, do not explicitly teach, "a comparison of data representing an actual duration of the at least one interaction to

data representing an expected duration parameter associated with the at least one interaction". However, Rtschev teaches, "a comparison of data representing an actual duration of the at least one interaction to data representing an expected duration parameter associated with the at least one interaction" (col. 9, lines 1-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Rtschev's teaching in the invention of Garcia, in view of Shambaugh, because Rtschev teaches his invention provides for real-time conversation between the system and the user (col. 3, line 66 to col. 4, line 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC YEN whose telephone number is (571)272-4249. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EY 10/3/08

/Patrick N. Edouard/
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